

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

UNITED STATES OF AMERICA §  
§  
V. § NO. 9:08-CR-5  
§  
JOHNNY RUSH §

**ORDER ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT**

On this day, the court considered the Findings of Fact and Recommendation of United States Magistrate Judge Earl S. Hines regarding defendant's plea of guilty to Count I of the Superseding Indictment in the above-numbered case. Having conducted a proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the magistrate judge recommends that the court conditionally accept the plea agreement. The court is of the opinion that the Findings of Fact and Recommendation should be accepted.

Accordingly, it is **ORDERED** that the Findings of Fact and Recommendation of the United States magistrate judge are **ADOPTED**.

It is further **ORDERED** that the court conditionally accepts the plea agreement as to Count I of the Superseding Indictment and will defer its final decision as to acceptance or rejection until there has been an opportunity to consider the presentence report.

**SIGNED** this the 21 day of January, 2009.

  
Thad Heartfield  
United States District Judge